

NIRMA UNIVERSITY

Institute:	Institute of Law
Name of Programme:	B.A.,LL.B (Hons.), B.Com.,LL.B. (Hons.)
Course Code:	3LW101CC27
Course Title:	Family Law I
Course Type:	Core
Year of Introduction	2020 (for B.A.,LL.B. (Hons.) and B.Com.,LL.B. (Hons.)); 2027 (for B.B.A.,LL.B. (Hons.))

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Course Learning Outcomes:

After completion of the course, the students will be able to:

- (1) Identify the main legal elements of family law and practice which govern family Relationships (BL-3)
- (2) Interpret and compare the provisions of different personal laws in their application on matters governing marriage, divorce, maintenance, parentage and legitimacy, adoption and guardianship. (BL-5)
- (3) Analyse and solve the lacunae in the present scheme of personal laws governing matters of marriage, divorce, maintenance, parentage and legitimacy, adoption and guardianship. (BL-4)
- (4) Explain and interpret the provisions of law governing inter-country adoption in India. (BL-3)
- (5) Analyse the working of family courts in India in light of their process and delivery of gender justice through these courts. (BL-4)

Content

Unit I	Introduction to Family Law	Teaching Hours: 60
	Origin and sources of Personal Laws	02 Hours
Unit II	Marriages under Various Personal Laws	15 Hours
	- Definitions and concept of marriage - Essentials of valid marriage in various personal laws. - Registration of marriage - Void and voidable marriage - Presumption of marriage and relationships in nature of marriage- Section 114 of Indian Evidence Act, 1872; and, Protection of Women from Domestic Violence Act, 2005 - Development of fundamental right to marry and way forward after Navtej Singh Johar v UOI	
Unit III	Matrimonial Remedies and Bar to Matrimonial Remedies	08 Hours
	- Matrimonial remedies - Restitution of conjugal Right and matrimonial home - Nullity of Marriage & Option of Puberty - Judicial Separation - Concept and theories of Divorce - Fault grounds of divorce	

	- Divorce by mutual consent - Irretrievable breakdown of marriage - Customary forms of divorce • Bar to matrimonial remedies - Introduction to the concept of Bar to matrimonial remedies - Doctrine of Strict Proof - Accessory - Condonation - Undue Delay, etc. and their effects on matrimonial cases	
Unit IV	Alimony and Maintenance	10 Hours
	• Section 125 Criminal Procedure Code i. Maintenance of neglected wives, divorced wives and second wives ii. Maintenance of children iii. Maintenance of parents • Alimony and maintenance under different personal laws • Maintenance of divorced Muslim women under Muslim Women (Protection of Rights on Divorce) Act, 1986 • Alimony and maintenance as an ancillary relief	
Unit V	Parentage and Legitimacy	8-10 Hours
	• Introduction to the concept of parentage and legitimacy • Various Issues related to the concept of parentage and legitimacy across all the personal laws • Acknowledgement of paternity • New challenges: i. Parentage and rights of children in surrogacy ii. Parentage and rights of children in live-in-relationships	
Unit VI	Adoption and Guardianship	12 Hours
	• Concept of Adoption and Guardianship • Legal Aspects and requirements in personal laws of adoption • Inter-country adoption • Central Adoption Resource Agency; Juvenile Justice (Care and Protection) Act, 2015; and, Adoption Regulations 2017 • Guardianship and its legal issues in personal laws of guardianship • Custody of children and visitation rights	
Unit VII	Establishment of Family Courts	05 Hours
	• Constitution, power and functions of family court under Family Courts Act, 1984 • Administration of gender justice	

Self-Study: NA
Suggested List of Experience: NA

Suggested Reading Reference:

- Agnes, F. (2011). Family Law Vol. 2: Marriage, Divorce, and Matrimonial Litigation. New Delhi: Oxford University Press.
- Chakraborty, G. (2007). Law of Maintenance with Allied Laws. Allahabad: Sodhi Publications.

Sanjay

- Fyzee, A. A. (2005). Outlines of Mohammadan Law. New Delhi: Oxford University Press.
- Kusum. (2008). Family Law Lectures: Family Law 1. New Delhi: Lexis Nexis Butterworths.
- Kusum. (2010). Cases and Materials on Family Law. Delhi: Universal Law.
- Mulla, D. F., & Desai, S. A. (2010). Mulla Principles of Hindu Law. Nagpur: Lexis Nexis Butterworths Wadhwa.
- Parashar A. (ed.) & Dhanda A. (2008). Redefining Family Law in India. Routledge.
- Rao, T. S., & Kumar, V. (2008). G.C.V. Subba Rao's Hindu Law. Hyderabad: S. Gogia & Company

Suggested Case List:

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